

1 BY Clayton
2 Thompson
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H. B. NO. 77

7 A BILL
8 TO BE ENTITLED
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10 AN ACT relating to regulating the business con-
11 duct of persons drilling water wells;
12 placing the duty and expense of plugging
13 water wells on the owner of the well or
14 on the person having the well drilled;
15 repealing Chapter 458, Acts of the 57th
16 Legislature, Regular Session, 1961; and
17 declaring an emergency.
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19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
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21 SUBCHAPTER A. GENERAL PROVISIONS.

22 Section 1. SHORT TITLE. This Act may be cited as the Water Well
23 Drillers Licensing Act.

24 Sec. 2. DEFINITIONS. In this Act, unless the context requires a
25 different definition,

26 (1) "person" includes firm, association, partnership, and
27 corporation;

28 (2) "commission" means the Texas Water Commission;

29 (3) "board" means the Water Well Drillers Examining Board.

30 SUBCHAPTER B. ORGANIZATION AND ADMINISTRATION.

31 Sec. 3. CREATION AND MEMBERSHIP OF BOARD. There is
32 created a Water Well Drillers Examining Board. The board consists of
33 seven members.

34 Sec. 4. APPOINTMENT AND TERMS OF OFFICE. (a) The execu-
35 tive secretary of the State Water Pollution Control Board and the director
36 of the ground water division of the Texas Water Commission are, ex
37 officio, members of the board.

38 (b) The governor, with the advice and consent of the senate, shall
39 appoint the other five members of the board for staggered terms of six
40 years.

41 Sec. 5. QUALIFICATIONS OF APPOINTED BOARD MEMBERS.

42 (a) The governor shall appoint as a member of the board one person who
43 resides in the Gulf Coast area of the state; one who resides in the Trans-
44 Pecos area; one who resides in the Central Texas area; one who resides
45 in the Northeast area; and one who resides in the Panhandle-South Plains
46 area.

47 (b) To be qualified for appointment, a person must

48 (1) be licensed under this Act;

49 (2) have been a water well driller for at least 10 years;

50 (3) be a citizen of the state.

51 (c) No more than one member of the board may be employed by, or
52 own an interest in, a company or business association which is engaged in
53 any phase of the water well drilling business.

54 Sec. 6. BOARD MEETINGS AND OFFICERS. (a) The board shall
55 hold a regular annual meeting. It may hold a special meeting at the call
56 of the chairman or at the request of three board members.

57 (b) A majority of the board is a quorum for conducting business.

58 (c) The board shall elect its officers.

59 Sec. 7. ASSISTANTS. The board, with the approval of the com-
60 mission, may employ assistants to investigate alleged violations of this
61 Act.

1 Sec. 8. DUTIES OF THE BOARD. The board shall
2 (1) pass on qualifications of applicants for licenses and issue
3 licenses to those who qualify;
4 (2) prepare and grade examinations;
5 (3) after hearing, suspend or revoke the license of a licensee
6 who
7 (A) intentionally misstated a fact in his application for a
8 license;
9 (B) intentionally misstates or misrepresents a fact in a well
10 log report;
11 (C) in conducting his water well drilling business, conducts
12 himself in a way that indicates he is not a competent water well driller;
13 (D) violates Section 33 or Section 34 of this Act.
14 Sec. 9. BOARD RULES. (a) The board shall adopt procedural rules
15 (1) describing how a person applies for and takes an examina-
16 tion under this Act;
17 (2) implementing the notice and hearing provisions of this Act.
18 (b) The board shall adopt substantive rules defining conduct which,
19 if engaged in by a water well driller, is evidence of incompetence.
20 Sec. 10. DUTIES OF COMMISSION. (a) The commission shall
21 furnish the board with administrative services, including providing space
22 for holding examinations; proctoring examinations; printing examinations;
23 printing and mailing licenses; sending notices, before August 1 of each
24 year, that licenses must be renewed; collecting fees and issuing receipts;
25 keeping a current register of licensees; employing secretarial assistants;
26 replying to routine requests for information; printing forms and infor-
27 mational bulletins; typing all matter to be reproduced; maintaining
28 records and completed examinations; and keeping records of receipts and
29 disbursements.
30 (b) The board has access to information kept by the commission
31 under this Act.
32 Sec. 11. COMMISSION RULES. The commission shall adopt proce-
33 dural rules necessary to carry out the duties imposed on it by Section 10
34 of this Act.
35 Sec. 12. PROCEDURE FOR ADOPTING AND AMENDING SUB-
36 STANTIVE RULES. (a) Before the board may adopt a substantive rule
37 under this Act, it must mail a copy of the proposed rule or amendment,
38 or an informative summary of the rule or amendment, to each person
39 licensed under this Act.
40 (b) The rule or amendment takes effect on the fourteenth day after
41 the day the summary is mailed, unless
42 (1) the board specifies that it take effect at a later time; or
43 (2) the board rescinds the order adopting the rule or amendment.
44 (c) The board may rescind, but it may not change, the order adopt-
45 ing a rule or amendment from the time the notice is mailed until the rule
46 or amendment takes effect. After the rule or amendment takes effect,
47 the board may repeal or change it only by adopting an order repealing or
48 amending it.
49 (d) If the board rescinds an order for a rule or amendment, it may
50 adopt a new rule or amendment at any time, even though the new rule or
51 amendment is on the same subject as the rule or amendment rescinded.
52 (e) The commission shall supply each person licensed under this
53 Act with a copy of the rules of the board, and of all changes in the rules.
54 Sec. 13. DEFINITION. In Sections 13 through 20 of this Act,
55 "contested case" means a proceeding before the board in which the legal
56 rights, duties, or privileges of specific parties are required by law or
57 constitutional right to be determined after a board hearing.
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1 Sec. 14. HEARING OFFICER. In a contested case, the board shall
2 use an attorney member of the commission's staff to serve as the hearing
3 officer in the hearing. At the hearing, the hearing officer shall
4 (1) preside over the hearing;
5 (2) rule on the admissibility of evidence;
6 (3) at the direction of the board, prepare the record, decision,
7 and order of the board and the notices for the hearing;
8 (4) assist the board in all legal matters connected with the
9 hearing.

10 Sec. 15. NOTICE, HEARING, RECORDS. (a) In a contested case
11 all parties shall be afforded an opportunity for hearing after reasonable
12 notice. The notice shall state the time, place, and issues involved, but
13 if, because of the nature of the proceeding, the issues cannot be fully
14 stated in advance of the hearing, or if subsequent amendment of the issues
15 is necessary, the issues shall be fully stated as soon as practicable, and
16 opportunity shall be afforded all parties to present evidence and argu-
17 ment with respect to the issues.

18 (b) The board shall prepare an official record, including testimony
19 and exhibits, in each contested case, and shall prepare a mechanical
20 recording of the proceedings. It is not necessary to transcribe the
21 recording unless the transcription is requested for purposes of rehearing
22 or court review.

23 (c) Informal disposition may also be made of any contested case by
24 stipulation, agreed settlement, consent order, or default.

25 Sec. 16. RULES OF EVIDENCE. (a) In contested cases, the board
26 may admit and give probative effect to evidence which possesses proba-
27 tive value commonly accepted by reasonably prudent men in the conduct
28 of their affairs. The board shall give effect to the rules of privilege
29 recognized by law. It may exclude incompetent, irrelevant, immaterial,
30 and unduly repetitious evidence.

31 (b) All evidence, including those of the board's records and docu-
32 ments it decides to use, shall be offered and made a part of the record in
33 the case, and no other factual information or evidence shall be considered
34 in the determination of the case. Documentary evidence may be received
35 in the form of copies or excerpts, or by incorporation by reference.

36 (c) Every party has the right to cross-examine witnesses who testify,
37 and has the right to submit rebuttal evidence.

38 Sec. 17. OFFICIAL NOTICE. The board may take notice of judi-
39 cially cognizable facts and in addition may take notice of general,
40 technical, and scientific facts within its specialized knowledge. Parties
41 shall be notified either before or during hearing, or by reference in
42 preliminary reports or otherwise, of the material so noticed, and they
43 shall be afforded an opportunity to contest the facts so noticed. The
44 board may use its experience, technical competence, and specialized
45 knowledge in evaluating the evidence presented to it.

46 Sec. 18. EXAMINATION OF EVIDENCE BY BOARD. When in a
47 contested case a majority of the members of the board who are to render
48 the final decision have not heard or read the evidence, the decision, if
49 adverse to the party to the proceeding other than the board itself, shall
50 not be made until a proposal for decision, including findings of fact and
51 conclusions of law, has been served upon the parties and an opportunity
52 has been afforded to each party adversely affected to file exceptions and
53 present argument to a majority of the members who are to render the
54 decision, who shall personally consider the whole record or as much of it
55 as may be cited by the parties.

56 Sec. 19. DECISIONS AND ORDERS. Every decision and order
57 adverse to a party to the proceeding, rendered by the board in a con-
58 tested case, shall be in writing or stated in the record and shall be
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1 accompanied by findings of fact and conclusions of law for each contested
2 issue. Parties to the proceeding shall be notified of the decision and
3 order in person or by mail. A copy of the decision and order and
4 accompanying findings and conclusions shall be delivered or mailed upon
5 request to each party or to his attorney of record.

6 Sec. 20. JUDICIAL REVIEW OF CONTESTED CASES. (a) A person
7 aggrieved by a final decision in a contested case, whether the decision is
8 affirmative or negative in form, is entitled to judicial review of the
9 decision.

10 (b) Proceedings for review shall be instituted by filing a written
11 statement complaining of the board's decision in the Third Court of Civil
12 Appeals at Austin within 30 days after the service of the final decision of
13 the board. The statement shall specify concisely each finding, conclu-
14 sion, or action of the board with which the aggrieved party disagrees.
15 Copies of the statement shall be served upon the board and all other
16 parties of record. The court, in its discretion, may permit other
17 interested persons to intervene.

18 (c) Filing the statement does not stay enforcement of the board
19 decision; but the board may do so, or the reviewing court may order a
20 stay upon such terms as it deems proper.

21 (d) Within 30 days after service of the statement, or within such
22 further time as the court may allow, the board shall transmit to the
23 reviewing court the original or a certified copy of the entire record of the
24 proceeding under review; but, by stipulation of all parties to the review
25 proceeding, the record may be shortened. A party unreasonably refusing
26 to stipulate to limit the record may be taxed by the court for the additional
27 costs caused by his refusal. The court may require or permit subsequent
28 corrections or additions to the record when deemed desirable.

29 (e) If, before the date set for hearing, application is made to the
30 court for leave to present additional evidence on the issues in the case,
31 and it is shown to the satisfaction of the court that the additional evidence
32 is material and that there were good reasons for failing to present it in
33 the proceeding before the board, the court may order that the additional
34 evidence be taken before the board upon such conditions as the court
35 deems proper. The board may add to or modify its findings, conclusions,
36 and decision in light of the additional evidence and shall file with the
37 reviewing court, as part of the record, the additional evidence, together
38 with any additions or modifications to its findings, conclusions, or
39 decision.

40 (f) The review shall be conducted by the court and shall be confined
41 to the record, except that in cases of alleged irregularities in procedure
42 before the board, not shown in the record, testimony on the alleged
43 irregularities may be taken in court. The court shall, on request, hear
44 oral argument and receive written briefs.

45 (g) The court may affirm the decision of the board or remand the
46 case for further proceedings; or it may reverse or modify the decision if
47 the substantial rights of the petitioners may have been prejudiced because
48 the administrative findings, inferences, conclusions, or decisions are

- 49 (1) in violation of constitutional provisions;
50 (2) in excess of the statutory authority or jurisdiction of the
51 board;
52 (3) made upon unlawful procedure;
53 (4) affected by other error of law;
54 (5) unsupported by competent, material, and substantial
55 evidence in view of the entire record as submitted; or
56 (6) arbitrary or capricious.

57 Sec. 21. COMPENSATION. Members of the board are entitled to
58 compensation of \$25 a day for each day spent in attending to the business
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1 of the board and for going to and returning from attending to that business;
2 and are entitled to actual expenses incurred in attending to the business
3 of the board.

4 SUBCHAPTER C. LICENSING.

5 Sec. 22. LICENSE REQUIRED. No person may, for compensation,
6 drill, bore, core, or construct a water well on the land of another unless
7 he is licensed under this Act.

8 Sec. 23. EXAMINATION. A person who passes the examination
9 given by the board is entitled to be licensed under this Act.

10 Sec. 24. CONTENT OF EXAMINATION. The board shall design the
11 examination so as to disqualify a person whose lack of knowledge of
12 drilling methods and techniques and of the geology and ground water
13 formation in the area in which he expects to drill would create a serious
14 risk of polluting fresh water.

15 Sec. 25. ADMINISTRATION OF EXAMINATION. (a) The com-
16 mission shall offer examinations prepared by the board at least once a
17 year and more frequently if more than 10 persons petition the commission
18 for an additional examination.

19 (b) Examinations shall be so administered that one who grades an
20 examination does not know whose paper he is grading.

21 (c) The commission shall maintain files of examination papers.
22 A person, at any time within six months of the date he is notified of the
23 results of the examination, is entitled to inspect his examination paper
24 during normal business hours at the commission's office for the purpose
25 of challenging the propriety of its questions, the method of grading, and
26 the accuracy of grading.

27 (d) If a person fails to take an examination after he has paid the
28 application fee, the commission shall refund all but \$10 of the application
29 fee.

30 Sec. 26. RE-EXAMINATION. A person who fails an examination
31 may apply for a subsequent examination, but must pay the application fee
32 each time he applies. He may not petition for an additional examination
33 under Section 25(a) of this Act, but may take one if it is offered.

34 Sec. 27. QUALIFICATIONS FOR EXAMINATION. A person is
35 entitled to take the examination who

36 (1) within the time specified by a commission rule, returns
37 application forms to the commission, showing information specified in
38 rules of the board;

39 (2) pays the application fee.

40 Sec. 28. LICENSE NOT TRANSFERABLE. A license issued under
41 this Act is not transferable.

42 Sec. 29. FEES. The fee to apply for a license is \$50. The annual
43 license renewal fee is \$25. The fee for an out-of-state license is \$50.
44 The fee for a duplicate license is \$1.

45 Sec. 30. DEPOSIT IN GENERAL FUND. The commission shall
46 deposit money collected under this Act in the state treasury in the general
47 fund.

48 Sec. 31. ANNUAL RENEWAL. A person who passes the examination
49 is licensed without payment of further fee. To remain licensed, a person
50 must pay the renewal fee before September 1 of each year. The board
51 shall renew a lapsed license when the licensee applies for renewal and
52 pays accrued renewal fees. He is entitled to have the license renewed
53 without taking an examination unless his license has lapsed more than 10
54 years, in which case he is required to take an examination if the board
55 finds that additional evidence of his continued ability to drill wells is
56 required.

57 Sec. 32. OUT-OF-STATE LICENSE. A person who is a certified,
58 registered, or licensed water well driller in another state is entitled to
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1 be licensed as a water well driller in Texas without examination if he
2 completes application forms and returns them to the commission, pays
3 the out-of-state license fee, and has passed an examination in the other
4 state which in the opinion of the board covers substantially the same
5 subjects the board's examination covers.

6 SUBCHAPTER D. MISCELLANEOUS PROVISIONS.

7 Sec. 33. REPORTING WATER WELL LOGS. (a) A person licensed
8 under this Act shall keep an accurate water well log, showing the depth,
9 thickness, and character of the different strata penetrated and the loca-
10 tion of water strata, for each water well he drills or alters.

11 (b) The board may, by rule, require licensees to keep additional
12 information in water well logs.

13 (c) The licensee shall send, on forms prescribed by the board, a
14 copy of each water well log he keeps to the commission within 60 days
15 of the day he completes or stops working on a water well.

16 Sec. 34. PLUGGING WELLS. It is the duty of the owner of a water
17 well, or the person having a water well drilled, to plug the well in a
18 manner that will prevent injurious water in the well from harming land or
19 fresh water. It is the duty of the person who drills the well to

20 (1) advise the well owner, or the person having the well drilled,
21 that the well should be plugged at the expense of the owner or of the
22 person having the well drilled;

23 (2) make a full report of the method of plugging the well in his
24 water well log.

25 Sec. 35. REGISTERING VEHICLES OF WATER WELL DRILLERS.
26 The assessor and collector of taxes of a county shall refuse to register a
27 motor vehicle, rig, trailer, or other vehicle used in water well drilling
28 operations until the owner of the vehicle presents to the assessor and
29 collector of taxes a valid license issued under this Act, and executes an
30 affidavit stating that he and all his employees have fully complied with
31 the requirements of this Act.

32 Sec. 36. ACT DOES NOT APPLY IN DROUGHT DISASTER AREAS.

33 (a) The commissioners court of a county may request the governor to
34 proclaim the county a drought disaster area. If the governor issues the
35 proclamation, the county is a drought disaster area, for the length of
36 time specified in the proclamation.

37 (b) A person may drill a water well for compensation in a drought
38 disaster area, even though he is not licensed under this Act.

39 Sec. 37. ACT DOES NOT APPLY TO PERSONS DRILLING CERTAIN
40 WELLS. The provisions of this Act do not apply to a person

41 (1) constructing a hand-dug or drive point water well;

42 (2) drilling test or blast holes in quarries or mines; or

43 (3) drilling or making a well or excavation for the purpose of
44 exploring for or producing oil, gas, or any other mineral except water.

45 Sec. 38. PENALTY. (a) A person who violates the provisions of
46 Section 22 of this Act is guilty of a misdemeanor and upon conviction is
47 punishable by a fine of not less than \$25 nor more than \$200 or by con-
48 finement in the county jail for not more than 120 days, or by both.

49 (b) Each day a person is in violation of the provisions of Section 22
50 of this Act is a separate offense.

51 SUBCHAPTER E. TEMPORARY PROVISIONS.

52 Sec. 39. A person actively engaged in the water well drilling
53 business on the effective date of this Act is entitled to a license without
54 examination if he

55 (1) returns application forms to the commission showing infor-
56 mation specified in rules of the board;

57 (2) pays the application fee.

1 Sec. 40. The governor may appoint to the initial board unlicensed
2 water well drillers who are otherwise qualified to serve on the board.

3 Sec. 41. Initial board members are appointed two for two years;
4 two for four years, and one for six years. Their terms expire on
5 September 15 of the years in which their terms expire.

6 Sec. 42. Chapter 458, Acts of the 57th Legislature, Regular
7 Session, 1961 (Article 7621c, Vernon's Texas Civil Statutes), is
8 repealed.

9 Sec. 43. The importance of this legislation and the crowded condi-
10 tion of the calendar in both houses create an emergency and an imperative
11 public necessity that the Constitutional Rule requiring bills to be read on
12 three several days in each house be suspended, and the Rule is hereby
13 suspended.

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C227

FORM C

(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

COMMITTEE REPORT

Date 3-1-65

HON. BEN BARNES

Speaker of the House of Representatives.

Sir:

We, your Committee on CONSERVATION AND RECLAMATION, to whom was referred H. B. No. 77, have had the same under consideration and beg to report back with recommendation that it do pass, and be ^{not} ~~not~~ printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.

A. Hallman

V- Chairman.

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

Clayton

COMMITTEE ON CONSERVATION
NO. 1

AN ACT designed to aid in the prevention of pollution of the State's underground water by providing minimum water well driller qualifications and standards of conduct to be administered by the herein created Texas Water Well Drillers Board; Board rules, examinations, and hearings; duties of Texas Water Commission hereunder; penal provisions for violation and provisions for enforcement, jurisdiction, and venue; ~~repeals Chapter 458, Acts of 57th Legislature, Regular Session, 1961,~~ *repealing and declaring an emergency.*

DATE **MAR 11 1965**

READ AND ADOPTED *as amended, by vote 81 ayes, 55 noes*
Sarah Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

Strike all below the enacting clause and insert in lieu thereof the following:

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Short title. This Act shall be known and may be cited as "The Water Well Drillers Act."

See.
Section 2. Definitions.

The following words and phrases as used in this Act shall have the following meanings unless a different meaning clearly appears from the context. The singular form shall also mean plural form and the masculine gender shall also include the feminine and neuter genders.

(a) "Person" shall mean any individual, whether or not connected with a firm, partnership, association, corporation, or any other group or combination acting as a unit.

(b) "Commission" shall mean the Texas Water Commission or its successor.

(c) "Board" shall mean the Texas Water Well Drillers Board.

(d) "Water well" shall mean any artificial excavation constructed for the purpose of producing ground water. The term, however, shall not include any test or blast holes in ~~quarries~~ *quarries* or mines, or any well or excavation for the purpose of exploring for, or producing oil, gas, or any other minerals.

(e) "Water well driller" shall mean any person (including owner, operator, ~~driller~~, and drilling supervisor) who engages for compensation in the drilling, boring, coring, or construction of any water well in this State. The term, however, shall not include any person

MAR 17 1965

Motion to reconsider vote by which Committee #1 was adopted, prevailed.

Sarah Hallman
m.d.
Chief Clerk House of Representatives

(See back)

who drills, bores, cores, or constructs a water well on his own property for his own use or a person who assists in the construction of a water well under the direct supervision of a registered water well driller and is not primarily responsible for the drilling operations.

(f) "Registered water well driller" shall mean any person who holds a certificate issued by the State of Texas pursuant to the provisions of this Act.

(g) "Pollution" shall mean an impairment of the physical, chemical, or biological properties of water by the acts or instrumentalities of man to a degree which results in a material and adverse effect upon the quality as to destroy possible consumptive or beneficial use of such waters.

(h) "Well log" shall mean a log accurately kept, at the time of drilling, showing the depth, thickness, character of the different strata penetrated, location of water-bearing strata, depth, size and character of casing installed, together with any other data or information required by the Board, on forms prescribed by the Board.

(i) "Water Well Drillers Board" shall mean an examining board consisting of seven (7) members, two of whom shall be ex officio non-voting members and five of whom shall be voting members appointed by the Governor with the advice and consent of the Senate as hereinafter provided.

(j) "Registration fee" shall mean the initial fee to be paid by a driller under this Act which shall be, unless otherwise provided herein, ^{\$25.00} ~~\$50.00~~.

(k) "Renewal fee" shall mean that fee paid by a previously registered driller which shall be \$25.00 per annum.

(l) "Examination fee" shall mean that \$10.00 non-refundable fee required of each applicant for each examination.

Sec.
Section 3. Registration Required.

(a) It shall be unlawful for any person to act as or to offer to

perform services as a water well driller without first obtaining a certificate ² or registration in the manner prescribed herein and ? pursuant to the rules of Water Well Drillers Board.

(b) Applications shall contain the name of the applicant, his business address, his permanent mailing address, and such other relevant information as the Board may require.

(c) At the time of making application, each applicant shall pay to the Commission the required examination fee which shall be non-refundable; and the successful candidates upon notification of eligibility shall pay to the Commission the registration fee.

(d) All certificates of registration issued under this Act shall expire on August 31 of each year; and on or before that day, each person holding a certificate of registration shall pay to the Commission the sum of \$25.00 as an annual renewal fee. Provided further, however, any driller who allows his license to lapse shall be given a one-year grace period in which to renew his certificate by paying the accrued renewal fee, without the need of taking the drillers examination.

(e) A certificate of registration shall not be transferable or assignable.

(f) A duplicate certificate of registration to replace a lost or destroyed certificate shall be issued by the Commission upon proper application and payment of a \$1.00 fee.

(g) Any water well driller in this State on the effective date of this Act shall be entitled to a certificate of registration upon the filing of an application no later than August 31, ¹⁹⁶⁶ 1965, and the payment of a \$25.00 registration or renewal fee.

^{insert}
⑦ → (h) Sec
Section 4. Reciprocity

The Commission, upon application therefor and upon the payment of the proper registration fee, may issue a certificate of registration as a registered water well driller to any person who holds a certificate of qualification or registration issued to him by proper

authority in any state or territory or possession of the United States,
or of any other country, if the registration standard under which
said certificate was issued is of a standard not lower than that
specified by the provisions of this Act, and the rules of the Water
Well Drillers Board promulgated pursuant to the provisions hereof,
and if that particular state, territory, or possession of the United
States, or country extends similar privileges to the persons registered
under the provisions of this Act; ^{Insert (8)} ~~the Board shall keep the Commission~~
5 ~~informed of what states, territories, possessions, and countries~~
~~fulfill these reciprocal requirements.~~

^{Sec 5}
Section 5. Reporting of Well Logs.

Every registered water well driller drilling, deepening or
otherwise altering a water well within this State shall make and
keep, or cause to be made and kept, a legible and accurate well log,
and within sixty (60) days from the completion or cessation of
drilling, deepening or otherwise altering such a water well, shall
deliver or transmit by certified mail a copy of such well log to
the Commission, ^{Insert (3)} ✓

^{Sec}
Section 6. Water Well Drillers Board.

The Water Well Drillers Board shall be composed of seven (7)
members; two ex officio and five appointed as follows, to wit:

6. (a) One (1) member of the Board shall be the chairman of the
Texas Water Commission or a personal representative appointed by
him who shall be a nonvoting member and shall serve in an advisory
capacity only.

(b) One (1) member shall be the Executive Secretary of the
State Water Pollution Control Board or a personal representative
appointed by him and shall also be a nonvoting member and shall
serve in an advisory capacity only.

(c) Five (5) members shall be water well drillers appointed by
the Governor with the advice and consent of the Senate, under the

following conditions, to wit:

(1) Each such driller shall be a citizen of the State of Texas.

(2) Each such driller shall have a minimum of ten years' experience in the water well drilling business prior to his appointment.

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✓ (3) Each such driller shall be conversant in ~~general geology and~~ ^{competition, and logging methods} water well drilling ~~operations~~ and techniques.

(4) Each such driller shall be a registered water well driller.

(5) One of each such drillers shall be selected from the following geographic areas of the State of Texas:

A. Gulf Coast Area.

B. Trans-Pecos Area.

C. Central Texas Area.

D. North-East Texas Area.

E. Panhandle-South Plains Area.

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✓ (d) It is further provided that no more than one (1) Board member may be employed by or own an interest in the same company, firm or business association which is engaged in any phase of the water well drilling business.

(e) The first five (5) Board members shall be appointed for the following terms: two (2) for two (2) years; two (2) for four (4) years; and one (1) for six (6) years.

(f) All terms shall expire on September 15 and all regular appointments shall be for terms of six (6) years.

(g) The initial appointments of the five (5) members shall be made immediately following the effective date of this Act.

(h) The five (5) appointed Board members shall receive compensation and travel allowance as the Legislature may provide in the General Appropriation Act.

(i) The Board shall hold a regular annual meeting; it may

hold special meetings at the call of the chairman or at the request of three Board members.

(j) A majority of the Board is a quorum for conducting business.

(k) The Board shall elect a chairman, who shall be presiding officer, by majority vote at the first regular meeting each year.

(l) The Board shall prepare and grade examinations and pass upon qualifications of applicants for licenses and cause to be issued licenses to those who qualify.

Insert
(6)
~~(m) The Board shall design examinations in such a manner as to disqualify any person lacking in the necessary knowledge of drilling methods and techniques of general geology and groundwater formations to the extent that the drilling of water wells by him would create a serious risk of polluting the fresh water supplies of the State.~~

(n) A person who passes the examination given by the Board is entitled to be licensed under this Act.

(o) Administration of examination:

(1) The Commission shall offer examinations prepared by the Board at least once a year and more frequently if more than 10 persons petition the Commission for an additional examination, or the Board should so provide.

(2) The examination shall be so administered so that the one who grades an examination does not know whose paper he is grading.

(3) The Commission shall maintain files of examination papers. A person, at any time within six months of the date that he is notified of the results of an examination, is entitled to inspect his examination paper during normal business hours at the Commission's office for the purpose of challenging the propriety of the questions, the method of grading, and the accuracy of grading.

8 (4) All successful applicants who pass the examination may pay the ^(\$25.00)~~\$50.00~~ registration fee to the Commission and obtain a drillers registration certificate. 7

(p) The person who fails an examination may apply for a subsequent examination, but must pay the application fee each time he applies.. He may not, however, be counted among the ten (10) applicants necessary to petition for an additional examination. 6x

p-4 ^{Sec} Section 7. Rules and Regulations.

9
3 The Water Well Drillers Board shall constitute an Examining Board which shall certify applicants eligible for registration to the Commission and, under certain conditions set out below, suspend or revoke the license of a registered water well driller. The Board shall promulgate and adopt procedural rules describing how a person applies for and takes an examination under this Act and the procedure to be followed in public hearings pursuant to the provisions of this Act. It shall also promulgate and adopt substantive rules defining standards of conduct governing registered water well drillers. The Board shall promulgate regulations necessary to implement the vehicle and equipment marking requirements of Section 14 of this Act. Be it further provided, however, that before the Board may adopt any substantive rule under this Act, it must mail a copy of the proposed rule or amendment together with an informative summary of the rule or amendment to each person licensed under this Act at least twenty (20) days prior to the proposed effective date of such a proposed rule. 2

^{Sec.} Section 8. Revocation of Certificates of Registration. ^{Insert} 5

(a) The certificate of registration of any registered water well driller who violates any provision of this Act or any substantive rule or regulation of the Board promulgated under the authority of this Act may be revoked by the Board. Grounds for revocation of a driller's certificate shall include intentional misstatement or misrepresentation of fact on an application or well log; failure to

keep and transmit water well logs as provided herein; failure to advise a person for whom a well is being drilled that injurious water has been encountered, is a pollution hazard, and must be forthwith plugged in an acceptable manner; or being found to be an incompetent water well driller.

- 10 (b) Every decision and order in a revocation or suspension hearing rendered by the Board shall be in writing and shall set forth briefly the findings of fact and Board's conclusions. Parties to the proceedings shall be notified of the decision or order in person or by mail and forwarded a copy of same; such orders or decisions shall be transmitted no later than thirty (30) days of conclusion of the hearing.

Sec.
~~Section 9. Appeal.~~

~~Insert
(2) Any person affected by any ruling, order, decision, or other act of the Board, may, within ^{sixty} ~~thirty~~ (60) days after the date on which such act is performed, or in case of a ruling, order, or decision, within thirty (30) days after the effective date thereof, file a petition in an action to review, set aside, or suspend such ruling, order, decision, or other act upon the ground or grounds that the same is invalid, arbitrary, or unreasonable. The venue of any or all such actions is hereby fixed exclusively in the District Court of Travis County, Texas.~~

Sec.
~~Section 10. Duties of the Commission.~~

11 (a) The Commission shall furnish the Board with necessary administrative services, including space for holding examinations; proctoring examinations; printing examinations; printing and mailing licenses; sending notices, before August 1 of each year that license must be renewed; collecting fees and issuing receipts; keeping a current register of licensees; employing secretarial assistance; replying to routine requests for information; printing forms and information; typing all letters to be reproduced; maintaining records and completed examinations; and keeping records of receipts and disbursements;

providing necessary legal services; and providing necessary investigative services, and the Commission shall promulgate procedures and standards for plugging wells under Section 15 of this Act. § 9

11

B

(b) The Board shall have access to information kept by the Commission under this Act. 6 /

P-5

(c) The Commission shall adopt the necessary procedural rules in order to carry out the imposed duties under this section of this Act.

sec. 11.
Section 11. Exception of Drought Disaster Areas.

Upon petition of the commissioner's court of any county the Governor may proclaim the county a drought disaster area. If the Governor issues the proclamation that the county is a drought disaster area, the terms and provisions of this Act are suspended in such a

county for the length of time specified in the proclamation, *except as provided in said Act applied to the plugging of water wells.*

sec. 12.
Section 12. Disposition of Revenues.

All money collected by the Commission under the provisions of this Act shall be placed in the General Revenue Fund.

1 D.

12

sec.
Section 13. Penal Provisions.

(a) Any person not holding a certificate of registration as a registered water well driller who drills, bores, cores or constructs any water well in this State for compensation shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than \$25.00 nor more than \$200.00 or to punishment by confinement in jail for a period of not to exceed 120 days or by both such fine and jail confinement for first conviction; and may be punished for each subsequent conviction by fine of not less than \$200.00 or more than \$1000.00 or by confinement in jail for not less than 120 days or more than one year or both by such fine and jail confinement.

(b) Any person who is a registered water well driller under this Act who fails to mark his equipment as provided herein is guilty of a misdemeanor and may be fined not less than \$25.00 nor more than \$200.00.

(c) Any person who wilfully violates any of the duties imposed by

Section 15 of this Act by failing to give timely notice to the landowner or person having a well drilled that a well must be plugged, or anyone who fails to plug such a well properly as soon as is reasonably possible, or anyone who fails to submit the required plugging report to the Commission within thirty (30) days is guilty of a misdemeanor and may be fined not less than \$200.00 or more than \$500.00.

(d) Any violator of these provisions may be arrested by any sheriff, constable or other lawful peace officer of this State or any political subdivision thereof. Such violations shall be tried in the county court of the county ⁱⁿ of which such offense occurred. ?

13 ^{Sec.} Section 14. Marking of Vehicles and Equipment.

It is the duty of all registered water well drillers to see that all vehicles, trailers, and rigs used by them or their employees in the water well drilling business are marked with legible identification numbers at all times; the "identification number" to be used on vehicles and equipment shall be the "license number" which appears on the drillers registration certificate; the Board shall set out in detail in its rules the specific method and manner for marking said vehicles and equipment. The driller shall furnish a sworn statement that he has complied with this provision of the Act with his annual renewal fee each year. ~~Insert~~ (4)

^{Sec.} Section 15. Plugging of wells.

(a) It shall be the duty of each driller registered under this Act to inform forthwith the landowner or person having a well drilled when water is injurious to vegetation, to land or to fresh water has been encountered and such well must be plugged in order to avoid injury or pollution.

(b) It shall be the duty of the landowner or person having a well drilled, upon being so informed, to see that such a well is forthwith plugged under standards set by the Texas Water Commission.

(c) It shall be the duty of whoever shall plug such a well to complete

27

a plugging report within 30 days and submit it to the Commission; appropriate forms shall be furnished by the Commission upon request.

Sec.
Section 16. Bond Required. 62

D- After September 1, 1965, immediately upon approval of his application, the applicant shall be notified and before a registration certificate shall be issued, a bond executed by the applicant, as principal, and a surety company authorized to do business in this State as surety, shall be furnished the Commission in the principal sum of \$2000.00 for the use and benefit of any injured party and conditioned that the applicant will pay any judgment recovered by any person in any suit for damages or injury caused by a violation of this Act. Every registered water well driller shall in like manner furnish and maintain such a bond on or before September 1, 1965, as a condition to the continued validity of his registration certificate.

Sec.
Section 17. Recovery of Drilling Fee or Compensation.

No action shall be brought in any court of this State for recovery of any fee or compensation for the drilling or constructing of a water well, performed after the effective date of this Act, unless such work was done by or under the supervision of a registered water well driller.

Sec.
Section 18. Construction.

Nothing in this Act shall be construed as affecting the ownership, or the rights of owners of the land, in underground water.

Sec.
Section 19. Severability Clause.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without defeating the purpose or objective of the provision, and to this end, the provisions of this Act are declared to be severable.

Sec.
Section 20. Repealer Clause.

Chapter 458, Acts of the 57th Legislature, Regular Session,

1961^f (Article 7621c, Vernon's Texas Civil Statutes), is repealed; otherwise, this Act shall be cumulative of all laws or parts of laws relating to this subject.

Sec.
Section 21. Transfer of Functions.

In the event that the functions of the Texas Water Commission necessary to the proper implementation of its duties under this Act are transferred to the Texas Water Development Board or any other agency, the authority given herein to the Texas Water Commission shall be transferred to the Texas Water Development Board or such other agency.

Sec.
Section 22. Emergency Clause.

An importance of this legislation and the crowded conditions of the calendar in both Houses create an emergency and an imperative public necessity that the Constitution Rule requiring ^{bill}rules to be read on three several days in each House be suspended, and the Rule is hereby suspended. 2

DATE **MAR 17 1965**
READ AND ADOPTED, *as amended*
Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

m.j.
m.m.

(1).
Amendment No. _____

By

Clayton
Clayton

Amend the Committee Amendment to House Bill 77 by striking out the date "August 31, 1965" in line 26, page 2, of the printed bill and insert in lieu thereof the following:
"August 31, 1966".

MAR 11 1965

DATE _____

READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

m. m.

(2)
AMEND Committee Amendment No. 1 to H B. No. 77 by
striking therefrom Section 9 and substituting in lieu
thereof the following:

~~AMEND Committee Amendment No. _____ to _____ B. No. _____ by
adding thereto a new section to be known as Section _____,
immediately following Section _____ and by re-numbering all
subsequent sections, such new Section _____ to read as
follows:~~

Insert
(2)
Section 9. In all appeals prosecuted in any
of the Courts of this State pursuant to the provisions of
this Act, such trials shall be de novo as that term is
used and understood in appeals from Justice of the Peace
Courts to County Courts. When such an appeal is filed and
the Court thereby acquires jurisdiction, all administrative
or executive action taken prior thereto shall be null and
void and of no force and effect, and the rights of the
parties thereto shall be determined by the Court upon a
trial of the matters in controversy under rules governing the
trial of other civil suits in the same manner and to the
same extent as though the matter had been committed to
the Courts in the first instance and there had been no
intervening administrative or executive action or decision.
Under no circumstances shall the substantial evidence
rule as interpreted and applied by the Courts of Texas
in other cases ever be used or applied to appeals
prosecuted under the provisions of this Act. The Leg-
islature hereby specifically declares that the provisions
of this Section shall not be severable from the balance
of this Act, and further specifically declares that this
Act would not have been passed without the inclusion of
this Section. If this Section, or any part thereof, is
for any reason ever held by any Court to be invalid,
unconstitutional or inoperative in any way, such holding
shall apply to this entire Act, and in such event this
entire Act shall be null, void and of no force and effect.

*Venue of all appeals shall be
in the County of the Residence
of the aggrieved person who
files the appeal.*

Hahn

DATE MAR 11 1965

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

W. M.

(3)
Amendment No. _____

By Bayton

7 Amend the Committee Amendment to House Bill 77 by striking out all of line 41 and line 42, page 4, of the printed bill, and insert in lieu thereof the following:

"The venue of any or all such actions is hereby fixed exclusively in the District Court of the county where the offense occurs".

DATE MAR 11 1965

READ AND ADOPTED

as substituted
Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES
m.j. ??

(4)
AMENDMENT NO. _____

By: Harding

Amend Committee Amendment No. 1 to H.B. 77 on page 2, Sec. 5, by changing the period after the word, "Commission", on line 48 to a comma and then adding the following words, to wit:

, "and the owner thereof or the person having had ^{such} well drilled. The well log required herein shall at the request in writing to the Commission, by certified mail, by the owner or the person having such well drilled be held as confidential matter and not made of public record."

DATE

MAR 11 1965

READ AND ADOPTED

Dorothy Hallman
HOUSE OF REPRESENTATIVES

*my
m.m.*

(5)

Amendment No. X Lundy

Amend the Committee Amendment to
House bill 77 by adding the following
sentence to the bottom of section 14
to wit:

"Any licensed driller has one hundred
eighty days (180) to comply with
the regulations provided in Section 14.

DATE MAR 11 1965

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

m. j.
7-10-77

(6)

Worray

Amend Committee Amendment #1 to
H. B. 77 by removing the period at the
end of Sec. 11 of said bill, replacing it with
a comma and adding thereafter the following:

" except in so far as said act ~~applies~~ applies
to the plugging of water wells. "

DATE MAR 11 1965

READ AND ADOPTED

Barth H. Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

7/11/65

Insert ⑤

By Caldwell

Amend Committee Amendment #1

of H.B. 77 by adding a sentence at the end of Section 7 to read as follows:

① The Procedural Rules adopted by the Board shall be filed with the Secretary of State and shall become effective ten (10) days thereafter. ②

MAR 11 1965

DATE

READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

m. j.
m. m.

18)

Amendment No

by Dendys

Amend the Committee Amendment to House Bill 77 by striking therefrom subsection (c) (3) of Section 6, and substituting in lieu thereof the following:

"(c) (3) Each such driller shall be conversant in water well drilling, completion and plugging methods and techniques."

per
sent ⑥

MAR 17 1965

DATE

READ AND ADOPTED

Dorothy Hallman
SPEAKER
HOUSE OF REPRESENTATIVES

m.g.
m.m.

(Over.)

Amendment No

by Dendy

Insert (6)

Amend the Committee Amendment to House Bill 77 by striking therefrom subsection (m) of Section 6, and substituting in lieu thereof the following:

"(m) The Board shall design written examinations in such a manner as to disqualify any person lacking in the necessary knowledge of drilling, completion and plugging methods and techniques and of ground water formations to the extent that the performance by such person of services as a water well driller would create a serious risk of polluting fresh water. Provided, however, that each applicant shall have the right in to have such examination given him orally, in lieu of/writing."

MAR 17 1965

DATE _____

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

mg
2/1/22

(9).

HOUSE FLOOR AMENDMENTS TO
COMMITTEE AMENDMENT No. 1
TO H. B. 77

By: Hollowell

AMENDMENT NO. _____

Amend the Committee Amendment to House Bill 77 by adding the following
subsection to the bottom of Section 3 to wit:

"(h) Each applicant shall have been a resident of the State of Texas
for not less than 90 days prior to making application for
registration as a water well driller.

MAR 17 1965

DATE _____

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

m.g.
20.00.

(10.)

Amend ⑧

By: Hollenbeck

Amend the Committee Amendment to House Bill 77 by striking the clause in Section 4 following the semicolon in line 39 and adding thereafter the following:

"; provided, however, that before such applicant may be registered, he must show compliance with the residency requirements of Section 3, subsection (h) hereof. The Board shall keep the Commission informed of what states, territories, possessions, and countries fulfill these reciprocal requirements."

DATE MAR 17 1965

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

m.m.

1.11.

Ward

Amend. Com. Amend.

No. 1 to H.B. 77

By changing the word
\$50 on line 58 to
read \$25 ~~and~~

~~the word \$25 on~~
~~line 60 to read~~
~~\$15. ~~and~~~~

substitute \$15 for \$25 wherever it
appears in the bill.

DATE **MAR 17 1965**

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

m.?

By: Clayton, Thompson

H. B. No. 77

A BILL TO BE ENTITLED

AN ACT

designed to aid in the prevention of pollution of the State's
underground water by providing minimum water well driller qualifications and standards of conduct to be administered by the herein created Texas Water Well Drillers Board; Board rules, examinations, and hearings; duties of Texas Water Commission hereunder; penal provisions for violation and provisions for enforcement, jurisdiction, and venue; repealing Chapter 458, Acts of the 57th Legislature, Regular Session, 1961; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Short title.

This Act shall be known and may be cited as "The Water Well Drillers Act."

Sec. 2. Definitions.

The following words and phrases as used in this Act shall have the following meanings unless a different meaning clearly appears from the context. The singular form shall also mean plural form and the masculine gender shall also include the feminine and neuter genders.

(a) "Person" shall mean any individual, whether or not connected with a firm, partnership, association, corporation, or any other group or combination acting as a unit.

(b) "Commission" shall mean the Texas Water Commission or its successor.

(c) "Board" shall mean the Texas Water Well Drillers Board.

(d) "Water well" shall mean any artificial excavation constructed for the purpose of producing ground water. The term, however, shall not include any test or blast holes in quarries or mines, or any well or excavation for the purpose of exploring for, or producing oil, gas, or any other minerals.

(e) "Water well driller" shall mean any person (including owner, operator, and drilling supervisor) who engages for compensation in the drilling, boring, coring, or construction of any water well in this State. The term, however, shall not include any person who drills, bores, cores, or constructs a water well on his own property for his own use or a person who assists in the construction of a water well under the direct supervision of a registered water well driller and is not primarily responsible for the drilling operations.

(f) "Registered water well driller" shall mean any person who holds a certificate issued by the State of Texas pursuant to the provisions of this Act.

(g) "Pollution" shall mean an impairment of the physical, chemical, or biological properties of water by the acts or instrumentalities of man to a degree which results in a material and adverse effect upon the quality as to destroy possible consumptive or beneficial use of such waters.

(h) "Well log" shall mean a log accurately kept, at the time of drilling, showing the depth, thickness, character of the different strata penetrated, location of water-bearing strata,

depth, size and character of casing installed, together with any other data or information required by the Board, on forms prescribed by the Board.

(i) "Water Well Drillers Board" shall mean an examining board consisting of seven (7) members, two of whom shall be ex officio nonvoting members and five of whom shall be voting members appointed by the Governor with the advice and consent of the Senate as hereinafter provided.

(j) "Registration fee" shall mean the initial fee to be paid by a driller under this Act which shall be, unless otherwise provided herein, \$25.00.

(k) "Renewal fee" shall mean that fee paid by a previously registered driller which shall be \$25.00 per annum.

(l) "Examination fee" shall mean that \$10.00 non-refundable fee required of each applicant for each examination.

Sec. 3. Registration Required.

(a) It shall be unlawful for any person to act as or to offer to perform services as a water well driller without first obtaining a certificate of registration in the manner prescribed herein and pursuant to the rules of Water Well Drillers Board.

(b) Applications shall contain the name of the applicant, his business address, his permanent mailing address, and such other relevant information as the Board may require.

(c) At the time of making application, each applicant shall pay to the Commission the required examination fee which shall be non-refundable; and the successful candidates upon notification of eligibility shall pay to the Commission the registration fee.

(d) All certificates of registration issued under this Act shall expire on August 31 of each year; and on or before that day, each person holding a certificate of registration shall pay to the Commission the sum of \$25.00 as an annual renewal fee. Provided further, however, any driller who allows his license to lapse shall be given a one-year grace period in which to renew his certificate by paying the accrued renewal fee, without the need of taking the drillers examination.

(e) A certificate of registration shall not be transferable or assignable.

(f) A duplicate certificate of registration to replace a lost or destroyed certificate shall be issued by the Commission upon proper application and payment of a \$1.00 fee.

(g) Any water well driller in this State on the effective date of this Act shall be entitled to a certificate of registration upon the filing of an application no later than August 31, 1966, and the payment of a \$25.00 registration or renewal fee.

(h) Each applicant shall have been a resident of the State of Texas for not less than 90 days prior to making application for registration as a water well driller.

Sec. 4. Reciprocity.

The Commission, upon application therefor and upon the payment of the proper registration fee, may issue a certificate of registration as a registered water well driller to any person who holds a certificate of qualification or registration issued to him by proper authority in any state or territory or possession of the United States, or of any other country, if the registration

standard under which said certificate was issued is of a standard not lower than that specified by the provisions of this Act, and the rules of the Water Well Drillers Board promulgated pursuant to the provisions hereof, and if that particular state, territory, or possession of the United States, or country extends similar privileges to the persons registered under the provisions of this Act; provided, however, that before such applicant may be registered, he must show compliance with the residency requirements of Section 3, subsection (h) hereof. The Board shall keep the Commission informed of what states, territories, possessions, and countries fulfill these reciprocal requirements.

Sec. 5. Reporting of Well Logs.

Every registered water well driller drilling, deepening or otherwise altering a water well within this State shall make and keep, or cause to be made and kept, a legible and accurate well log, and within sixty (60) days from the completion or cessation of drilling, deepening or otherwise altering such a water well, shall deliver or transmit by certified mail a copy of such well log to the Commission, and the owner thereof or the person having had such well drilled. The well log required herein shall at the request in writing to the Commission, by certified mail, by the owner or the person having such well drilled be held as confidential matter and not made of public record.

Sec. 6. Water Well Drillers Board.

The Water Well Drillers Board shall be composed of seven (7) members, two ex officio and five appointed as follows, to wit:

(a) One (1) member of the Board shall be the chairman of the Texas Water Commission or a personal representative appointed by him who shall be a nonvoting member and shall serve in an advisory capacity only.

(b) One (1) member shall be the Executive Secretary of the State Water Pollution Control Board or a personal representative appointed by him and shall also be a nonvoting member and shall serve in an advisory capacity only.

(c) Five (5) members shall be water well drillers appointed by the Governor with the advice and consent of the Senate, under the following conditions, to wit:

(1) Each such driller shall be a citizen of the State of Texas.

(2) Each such driller shall have a minimum of ten years' experience in the water well drilling business prior to his appointment.

(3) Each such driller shall be conversant in water well drilling, completion and plugging methods and techniques.

(4) Each such driller shall be a registered water well driller.

(5) One of each such drillers shall be selected from the following geographic areas of the State of Texas:

A. Gulf Coast Area.

B. Trans-Pecos Area.

C. Central Texas Area.

D. North-East Texas Area.

E. Panhandle-South Plains Area.

(d) It is further provided that no more than one (1) Board member may be employed by or own an interest in the same company, firm or business association which is engaged in any phase of the water well drilling business.

(e) The first five (5) Board members shall be appointed for the following terms: two (2) for two (2) years; two (2) for four (4) years; and one (1) for six (6) years.

(f) All terms shall expire on September 15 and all regular appointments shall be for terms of six (6) years.

(g) The initial appointments of the five (5) members shall be made immediately following the effective date of this Act.

(h) The five (5) appointed Board members shall receive compensation and travel allowance as the Legislature may provide in the General Appropriation Act.

(i) The Board shall hold a regular annual meeting; it may hold special meetings at the call of the chairman or at the request of three Board members.

(j) A majority of the Board is a quorum for conducting business.

(k) The Board shall elect a chairman, who shall be presiding officer, by majority vote at the first regular meeting each year.

(l) The Board shall prepare and grade examinations and pass upon qualifications of applicants for licenses and cause to be issued licenses to those who qualify.

(m) The Board shall design written examinations in such a manner as to disqualify any person lacking in the necessary knowledge of drilling, completion and plugging methods and

techniques and of ground water formations to the extent that the performance by such person of services as a water well driller would create a serious risk of polluting fresh water. Provided, however, that each applicant shall have the right to have such examination given him orally, in lieu of in writing.

(n) A person who passes the examination given by the Board is entitled to be licensed under this Act.

(o) Administration of examination:

(1) The Commission shall offer examinations prepared by the Board at least once a year and more frequently if more than 10 persons petition the Commission for an additional examination, or the Board should so provide.

(2) The examination shall be so administered so that the one who grades an examination does not know whose paper he is grading.

(3) The Commission shall maintain files of examination papers. A person, at any time within six months of the date that he is notified of the results of an examination, is entitled to inspect his examination paper during normal business hours at the Commission's office for the purpose of challenging the propriety of the questions, the method of grading, and the accuracy of grading.

(4) All successful applicants who pass the examination may pay the \$25.00 registration fee to the Commission and obtain a drillers registration certificate.

(p) The person who fails an examination may apply for a subsequent examination, but must pay the application fee each time he applies. He may not, however, be counted among the ten (10) applicants necessary to petition for an additional examination.

Sec. 7. Rules and Regulations.

The Water Well Drillers Board shall constitute an Examining Board which shall certify applicants eligible for registration to the Commission and, under certain conditions set out below, suspend or revoke the license of a registered water well driller. The Board shall promulgate and adopt procedural rules describing how a person applies for and takes an examination under this Act and the procedure to be followed in public hearings pursuant to the provisions of this Act. It shall also promulgate and adopt substantive rules defining standards of conduct governing registered water well drillers. The Board shall promulgate regulations necessary to implement the vehicle and equipment marking requirements of Section 14 of this Act. Be it further provided, however, that before the Board may adopt any substantive rule under this Act, it must mail a copy of the proposed rule or amendment together with an informative summary of the rule or amendment to each person licensed under this Act at least twenty (20) days prior to the proposed effective date of such a proposed rule. The procedural rules adopted by the Board shall be filed with the Secretary of State and shall become effective ten (10) days thereafter.

Sec. 8. Revocation of Certificates of Registration.

(a) The certificate of registration of any registered water well driller who violates any provision of this Act or any substantive rule or regulation of the Board promulgated under the authority of this Act may be revoked by the Board. Grounds for revocation of a driller's certificate shall include intentional misstatement or misrepresentation of fact on an application or well log; failure to keep and transmit water well logs as provided

herein; failure to advise a person for whom a well is being drilled that injurious water has been encountered, is a pollution hazard, and must be forthwith plugged in an acceptable manner; or being found to be an incompetent water well driller.

(b) Every decision and order in a revocation or suspension hearing rendered by the Board shall be in writing and shall set forth briefly the findings of fact and Board's conclusions. Parties to the proceedings shall be notified of the decision or order in person or by mail and forwarded a copy of same; such orders or decisions shall be transmitted no later than thirty (30) days of conclusion of the hearing.

Sec. 9. Appeal.

In all appeals prosecuted in any of the courts of this State pursuant to the provisions of this Act, such trials shall be de novo as that term is used and understood in appeals from justice of the peace courts to county courts. When such an appeal is filed and the court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act. The Legislature hereby specifically

declares that the provisions of this Section shall not be severable from the balance of this Act, and further specifically declares that this Act would not have been passed without the inclusion of this Section. If this Section, or any part thereof, is for any reason ever held by any court to be invalid, unconstitutional or inoperative in any way, such holding shall apply to this entire Act, and in such event this entire Act shall be null, void and of no force and effect. Venue of all appeals shall be in the county of the residence of the aggrieved person who files the appeal.

Sec. 10. Duties of the Commission.

(a) The Commission shall furnish the Board with necessary administrative services, including space for holding examinations; proctoring examinations; printing examinations; printing and mailing licenses; sending notices, before August 1 of each year that license must be renewed; collecting fees and issuing receipts; keeping a current register of licensees; employing secretarial assistance; replying to routine requests for information; printing forms and information; typing all letters to be reproduced; maintaining records and completed examinations; and keeping records of receipts and disbursements; providing necessary legal services; and providing necessary investigative services, and the Commission shall promulgate procedures and standards for plugging wells under Section 15 of this Act.

(b) The Board shall have access to information kept by the Commission under this Act.

(c) The Commission shall adopt the necessary procedural rules in order to carry out the imposed duties under this Section of this Act.

Sec. 11. Exception of Drought Disaster Areas.

Upon petition of the commissioners court of any county the Governor may proclaim the county a drought disaster area. If the Governor issues the proclamation that the county is a drought disaster area, the terms and provisions of this Act are suspended in such a county for the length of time specified in the proclamation, except insofar as said Act applies to the plugging of water wells.

Sec. 12. Disposition of Revenues.

All money collected by the Commission under the provisions of this Act shall be placed in the General Revenue Fund.

Sec. 13. Penal Provisions.

(a) Any person not holding a certificate of registration as a registered water well driller who drills, bores, cores or constructs any water well in this State for compensation shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than \$25.00 nor more than \$200.00 or to punishment by confinement in jail for a period of not to exceed 120 days or by both such fine and jail confinement for first conviction; and may be punished for each subsequent conviction by fine of not less than \$200.00 or more than \$1,000.00 or by confinement in jail for not less than 120 days or more than one year or both by such fine and jail confinement.

(b) Any person who is a registered water well driller under this Act who fails to mark his equipment as provided herein is guilty of a misdemeanor and may be fined not less than \$25.00 nor more than \$200.00.

(c) Any person who wilfully violates any of the duties imposed by Section 15 of this Act by failing to give timely notice to the landowner or person having a well drilled that a well must be plugged, or anyone who fails to plug such a well properly as soon as is reasonably possible, or anyone who fails to submit the required plugging report to the Commission within thirty (30) days is guilty of a misdemeanor and may be fined not less than \$200.00 or more than \$500.00.

(d) Any violator of these provisions may be arrested by any sheriff, constable or other lawful peace officer of this State or any political subdivision thereof. Such violations shall be tried in the county court of the county in which such offense occurred.

Sec. 14. Marking of Vehicles and Equipment.

It is the duty of all registered water well drillers to see that all vehicles, trailers, and rigs used by them or their employees in the water well drilling business are marked with legible identification numbers at all times; the "identification number" to be used on vehicles and equipment shall be the "license number" which appears on the drillers registration certificate; the Board shall set out in detail in its rules the specific method and manner for marking said vehicles and equipment. The driller shall furnish a sworn statement that he has complied with this provision of the Act with his annual renewal fee each year. Any licensed driller has one hundred eighty (180) days to comply with the regulations provided in Section 14.

Sec. 15. Plugging of Wells.

(a) It shall be the duty of each driller registered under this Act to inform forthwith the landowner or person having a well drilled when water is injurious to vegetation, to land or to fresh water has been encountered and such well must be plugged in order to avoid injury or pollution.

(b) It shall be the duty of the landowner or person having a well drilled, upon being so informed, to see that such a well is forthwith plugged under standards set by the Texas Water Commission.

(c) It shall be the duty of whoever shall plug such a well to complete a plugging report within 30 days and submit it to the Commission; appropriate forms shall be furnished by the Commission upon request.

Sec. 16. Bond Required.

After September 1, 1965, immediately upon approval of his application, the applicant shall be notified and before a registration certificate shall be issued, a bond executed by the applicant, as principal, and a surety company authorized to do business in this State as surety, shall be furnished the Commission in the principal sum of \$2,000.00 for the use and benefit of any injured party and conditioned that the applicant will pay any judgment recovered by any person in any suit for damages or injury caused by a violation of this Act. Every registered water well driller shall in like manner furnish and maintain such a bond on or before September 1, 1965, as a condition to the continued validity of his registration certificate.

Sec. 17. Recovery of Drilling Fee or Compensation.

No action shall be brought in any court of this State for recovery of any fee or compensation for the drilling or constructing of a water well, performed after the effective date of this Act, unless such work was done by or under the supervision of a registered water well driller.

Sec. 18. Construction.

Nothing in this Act shall be construed as affecting the ownership, or the rights of owners of the land, in underground water.

Sec. 19. Severability Clause.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without defeating the purpose or objective of the provision, and to this end, the provisions of this Act are declared to be severable.

Sec. 20. Repealer Clause.

Chapter 458, Acts of the 57th Legislature, Regular Session, 1961 (Article 7621c, Vernon's Texas Civil Statutes), is repealed; otherwise, this Act shall be cumulative of all laws or parts of laws relating to this subject.

Sec. 21. Transfer of Functions.

In the event that the functions of the Texas Water Commission necessary to the proper implementation of its duties under this Act are transferred to the Texas Water Development Board or any

H. B. No. 77

other agency, the authority given herein to the Texas Water Commission shall be transferred to the Texas Water Development Board or such other agency......

Sec. 27. Emergency Clause......

The importance of this legislation and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.-----

Austin, Texas
30 March, 1965

Hon. Preston Smith
President of the Senate
Sir:

We, your Committee on AGRICULTURE & LIVESTOCK,
to which was referred H B. No. 77, have had the same under
consideration, and I am instructed to report it back to the
Senate with the recommendation that it do _____
pass _____ and be _____ printed.


ROGERS
Chairman

C.A.S.

Word

①
no. ①

SENATE FLOOR AMENDMENT TO HOUSE BILL 77

Strike Subsection (i) of Section 2 and substitute the following:

(i) "Water Well Drillers Board" shall mean an examining board consisting of nine (9) members, three of whom shall be ex officio nonvoting members and six of whom shall be voting members appointed by the Governor with the advice and consent of the Senate as hereinafter provided.

ADOPTED

MAY 5 1965

[Signature]
SECRETARY OF SENATE

①

m.g.
m.m.

MAY 11 1965

The House has concurred in Senate amendments to House Bill No. 77 by vote of non-record yeas noes.

[Signature]
Chief Clerk, House of Representatives

MAY 11 1965

MOTION TO RECONSIDER THE VOTE BY WHICH House concurred WAS ADOPTED / ~~PASSED~~ AND TO TABLE THE MOTION TO RECONSIDER PREVAILED ~~PASSED~~ BY A non-record VOTE OF yeas AND noes

[Signature]
CHIEF CLERK HOUSE OF REPRESENTATIVES

Word

SENATE FLOOR AMENDMENT TO HOUSE BILL 77

Strike ^{ing} Section 6 and substitute the following:

Sec. 6. Water Well Drillers Board.

The Water Well Drillers Board shall be composed of nine (9) members, three ex officio and six appointed as follows, to wit:

(a) One (1) member of the Board shall be the chairman of the Texas Water Commission or a representative from his staff appointed by him who shall be a nonvoting member and shall serve in an advisory capacity only. In the event that the functions of the Texas Water Commission are transferred to the Texas Water Development Board, then the member appointed hereby shall be the Executive Director of the Texas Water Development Board or a representative from his staff appointed by him. ^{bb}

(b) One (1) member shall be the Executive Secretary of the State Water Pollution Control Board or a representative from his staff appointed by him and shall also be a nonvoting member and shall serve in advisory capacity only.

(c) One (1) member shall be the chairman of the State Board of Health or a representative from his staff appointed by him and shall also be a nonvoting member and shall serve in an advisory capacity only.

(d) Six (6) members shall be water well drillers appointed by the Governor with the advice and consent of the Senate, under the following conditions, to wit:

(1) Each such driller shall be a citizen of the State of Texas.

(2) Each such driller shall have a minimum of ten years' experience in the water well drilling business prior to his appointment.

(3) Each such driller shall be conversant in water well drilling, completion and plugging methods and techniques.

(4) Each such driller shall be a registered water well driller.

MAY 11 1965

The House has concurred in Senate amendments to House Bill No. 77 by vote of ^{yeas} ~~yeas~~ ^{nays} ~~nays~~

(over)

Dorothy Hallman
House of Representatives

ADOPTED

MAY 5 1965

m. m. Schuch
m. m. SECRETARY OF SENATE

MAY 11 1965

MOTION TO RECONSIDER THE VOTE BY
WHICH House Concurred WAS
ADOPTED / ~~PASSED~~ AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED ~~PASSED~~ BY A Non-Record VOTE OF
AYES AND _____ NAYES _____

Dorothy Hadden
CHIEF CLERK HOUSE OF REPRESENTATIVES

(5) One driller shall be selected from the State at large and one of each such drillers shall be selected from the following geographic areas of the State of Texas:

- A. Gulf Coast Area.
- B. Trans-Pecos Area.
- C. Central Texas Area.
- D. North-East Texas Area.
- E. Panhandle-South Plains Area.

(e) It is further provided that no more than one (1) Board member may be employed by or own an interest in the same company, firm or business association which is engaged in any phase of the water well drilling business.

(f) The first six (6) Board members shall be appointed for the following terms: two (2) for two (2) years; two (2) for four (4) years; and two (2) for six (6) years.

(g) All terms shall expire on September 15 and all regular appointments shall be for terms of six (6) years.

(h) The initial appointments of the six (6) members shall be made immediately following the effective date of this Act.

(i) The six (6) appointed Board members shall receive compensation and travel allowance as the Legislature may provide in the General Appropriation Act.

(j) The Board shall hold a regular annual meeting; it may hold special meetings at the call of the chairman or at the request of three Board members.

(k) A majority of the Board is a quorum for conducting business.

(l) The Board shall elect a chairman, who shall be presiding officer, and who shall not vote except when there shall be a tie vote, by majority vote at the first regular meeting each year.

(m) The Board shall prepare and grade examinations and pass upon qualifications of applicants for licenses and cause to be issued licenses to those who qualify.

(n) The Board shall design written examinations in such a manner as to disqualify any person lacking in the necessary knowledge of drilling, completion and plugging methods and techniques and of ground water formations to the extent that the performance by such person of services as a water well driller would create a serious risk of polluting fresh water. Provided, however, that each applicant shall have the right to have such examination given him orally, in lieu of in writing.

(o) A person who passes the examination given by the Board is entitled to be licensed under this Act.

(p) Administration of examination:

(1) The Commission shall offer examinations prepared by the Board at least once a year and more frequently if more than 10 persons petition the Commission for an additional examination, or the Board should so provide.

Q. 3 (2) The examination shall be so administered so that the one who grades an examination does not know whose paper he is grading.

(3) The Commission shall maintain files of examination papers. A person, at any time within six months of the date that he is notified of the results of an examination, is entitled to inspect his examination paper during normal business hours at the Commission's office for the purpose of challenging the propriety of the questions, the method of grading, and the accuracy of grading.

(4) All successful applicants who pass the examination may pay the \$25.00 registration fee to the Commission and obtain a drillers registration certificate.

(q) The person who fails an examination may apply for a subsequent examination, but must pay the application fee each time he applies. He may not, however, be counted among the ten (10) applicants necessary to petition for an additional examination.

see 1st page -

Amendment No. 3
Amend House Bill 77 by striking Section 7 and substituting in lieu thereof the following:

Section 7. Rules and Regulations.

(a) The Water Well Drillers Board shall constitute an Examining Board which shall certify applicants eligible for registration to the Commission and, under certain conditions set out below, suspend or revoke the license of a registered water well driller. The Board shall promulgate and adopt procedural rules describing how a person applies for and takes an examination under this Act and the procedure to be followed in public hearings pursuant to the provisions of this Act. It shall also promulgate and adopt substantive rules defining standards of conduct governing registered water well drillers. The Board shall promulgate regulations necessary to implement the vehicle and equipment marking requirements of Section 14 of this Act. Be it further provided, however, that before the Board may adopt any substantive rule under this Act, it must mail a copy of the proposed rule or amendment together with an informative summary of the rule or amendment to each person licensed under this Act at least twenty (20) days prior to the proposed effective date of such a proposed rule. The procedural rules adopted by the Board shall be filed with the Secretary of State and shall become effective thirty (30) days thereafter.

(b) Full authority is given the Board to enforce by injunction or other appropriate remedy, in courts of competent jurisdiction, any and all reasonable rules, regulations, decisions, determinations and orders promulgated by it which do not conflict with any law. It shall be the duty of the Attorney General to represent the Board when requested to do so.

Amendment No. 3a
ADOPTED

as amended
MAY 5 1965

[Signature]
SECRETARY OF SENATE

MAY 11 1965

The House has concurred in Senate amendments to House Bill No. 77 by vote of non-record 1 aye

[Signature]
Chief Clerk, House of Representatives

MAY 11 1965
MOTION TO RECONSIDER THE VOTE BY WHICH *House* ~~ADOPTED~~ AND TO TABLE THE MOTION TO RECONSIDER PREVAILED ~~ADOPTED~~ BY A *non-record* VOTE OF *1* ~~AYES~~
[Signature]
CHIEF CLERK HOUSE OF REPRESENTATIVES

by adding (c) to Watson pending amendment
Amend HB 77 See 7 by striking out the last
sentence therein & inserting in lieu the following:

(c) All rules & regulations ~~now~~ proposed to be
adopted & promulgated by the Board shall be
approved in writing by the Attorney General
& placed on file in the office of the Secretary
of State for public inspection ~~and shall not~~
~~become~~ ~~effective~~ for at least 30 days prior
to their effective date. Any changes, altera-
tions or revocations ~~shall~~ of such rules
& regulations shall be likewise approved
in writing by the Attorney General & which
changes, alterations or revocations
shall be filed in the office of Secretary of
State prior to their effective date.

Harden

MAY 11 1965

The House has concurred in Senate amendment
to House Bill No. 77 by vote of non-record
1 ~~ayes~~
~~noes~~

Dorothy Hallman

Chief Clerk, House of Representatives

ADOPTED

MAY 5 1965

Schuchel
SECRETARY OF SENATE

#3a

MAY 11 1965

MOTION TO RECONSIDER THE VOTE BY
WHICH House Concurred WAS
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED PASSED BY A non-record VOTE OF
AYES AND _____ NAYES _____

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

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Amendment (+) *Wet*
Amend House Bill 77 by striking Section 8 and substituting in lieu thereof the following:

Sec. 8. Revocation of Certificates of Registration.

(a) The certificate of registration of any registered water well driller who violates any provision of this Act or any substantive rule or regulation of the Board promulgated under the authority of this Act may be revoked or suspended by the Board. Grounds for revocation or suspension of a driller's certificate shall include intentional misstatement or misrepresentation of fact on an application or well log; failure to keep and transmit water well logs as provided herein; failure to advise a person for whom a well is being drilled that injurious water has been encountered, is a pollution hazard, and must be forthwith plugged in an acceptable manner; or being found to be an incompetent water well driller.

(b) The Board shall, before suspending or revoking any certificate of registration, notify the holder in writing of any changes made in order to afford such holder an opportunity to be heard, which notification shall be given at least ten (10) days prior to the date set for hearing, and which shall prescribe the time and place of the hearing. Such written notice may be served by mailing same by registered mail to the last known business address of such person. At such hearing such person and all persons complaining against him, as well as any other witness whose testimony is relied upon to substantiate the charges made, shall be entitled to be present. He shall also be entitled to present evidence, oral and written as may be relevant to the inquiry. In such hearing all witnesses shall be duly sworn and a record of the proceedings shall be taken. Any party to the proceedings desiring it shall be furnished with a copy of the record upon the payment to the Board of a fee not to exceed fifty cents (\$.50) per page.

(c) Every decision and order in a revocation or suspension hearing rendered by the Board shall be in writing and shall set forth briefly the findings of fact and Board's conclusions. Parties to the proceedings shall be notified of the decision or order in person or by mail and forwarded a copy of same; such orders or decisions shall be transmitted no later than thirty (30) days of conclusion of the hearing.

MAY 11 1965

The House has concurred in Senate amendments to House Bill No. 77 by vote of *not record* *yes*
____ noes.

Dorothy Hallman

Chief Clerk, House of Representatives

ADOPTED

MAY 5 1965

Schnader
SECRETARY OF SENATE

(over)

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n. m.

MAY 11 1965

MOTION TO RECONSIDER THE VOTE BY
WHICH House Concurred WAS
ADOPTED / ~~PASSED~~ AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED ~~PASSED~~ BY A Yea-Nay VOTE OF
AYES AND NAYES
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

Amendment No. ⑤

Wata

Amend House Bill 77 by adding a new subsection (d) to Section 10 as follows:

(d) Full authority is given the Commission to enforce by injunction or other appropriate remedy, in courts of competent jurisdiction, any and all rules, regulations, decisions, determinations and orders promulgated by it which do not conflict with any law.

ADOPTED

MAY 5 1965

Schnake
SECRETARY OF SENATE

④5

MAY 11 1965

The House has concurred in Senate amendments
to House Bill No. 77 by vote of non-record
1 ayes,
0 noes.

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 11 1965

m.g.
m.m.

House Concurred MOTION TO RECONSIDER THE VOTE BY
WHICH House Concurred WAS
ADOPTED / ~~PASSED~~ AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED ~~PASSED~~ BY A non-record VOTE OF
1 AYES AND 0 NAYES

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

by Watson

Amend H. B. 77 by striking out

Section 17 and re-number the

ADOPTED

Subsequent Sections &

MAY 5 1965

Ab

Scholar
SECRETARY OF SENATE

m.g.
m.m.

Amend caption to conform to body
of bill.

ADOPTED

MAY 5 1965



SECRETARY OF SENATE

47

ENROLLED

AN ACT

designed to aid in the prevention of pollution of the State's underground water by providing minimum water well driller qualifications and standards of conduct to be administered by the herein created Texas Water Well Drillers Board; Board rules, examinations, and hearings; duties of Texas Water Commission hereunder; penal provisions for violation and provisions for enforcement, jurisdiction, and venue; repealing Chapter 458, Acts of the 57th Legislature, Regular Session, 1961; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Short title.

This Act shall be known and may be cited as "The Water Well Drillers Act."

Sec. 2. Definitions.

The following words and phrases as used in this Act shall have the following meanings unless a different meaning clearly appears from the context. The singular form shall also mean plural form and the masculine gender shall also include the feminine and neuter genders.

(a) "Person" shall mean any individual, whether or not connected with a firm, partnership, association, corporation, or any other group or combination acting as a unit.

(b) "Commission" shall mean the Texas Water Commission or its successor.

(c) "Board" shall mean the Texas Water Well Drillers Board.

(d) "Water well" shall mean any artificial excavation constructed for the purpose of producing ground water. The term, however, shall not include any test or blast holes in quarries or mines, or any well or excavation for the purpose of exploring for, or producing oil, gas, or any other minerals.

(e) "Water well driller" shall mean any person (including owner, operator, and drilling supervisor) who engages for compensation in the drilling, boring, coring, or construction of any water well in this State. The term, however, shall not include any person who drills, bores, cores, or constructs a water well on his own property for his own use or a person who assists in the construction of a water well under the direct supervision of a registered water well driller and is not primarily responsible for the drilling operations.

(f) "Registered water well driller" shall mean any person who holds a certificate issued by the State of Texas pursuant to the provisions of this Act.

(g) "Pollution" shall mean an impairment of the physical, chemical, or biological properties of water by the acts or instrumentalities of man to a degree which results in a material and adverse effect upon the quality as to destroy possible consumptive or beneficial use of such waters.

(h) "Well log" shall mean a log accurately kept, at the time of drilling, showing the depth, thickness, character of the different strata penetrated, location of water-bearing strata,

depth, size and character of casing installed, together with any other data or information required by the Board, on forms prescribed by the Board.

(i) "Water Well Drillers Board" shall mean an examining board consisting of nine (9) members, three of whom shall be ex officio nonvoting members and six of whom shall be voting members appointed by the Governor with the advice and consent of the Senate as hereinafter provided.

(j) "Registration fee" shall mean the initial fee to be paid by a driller under this Act which shall be, unless otherwise provided herein, \$25.00.

(k) "Renewal fee" shall mean that fee paid by a previously registered driller which shall be \$25.00 per annum.

(l) "Examination fee" shall mean that \$10.00 non-refundable fee required of each applicant for each examination.

Sec. 3. Registration Required.

(a) It shall be unlawful for any person to act as or to offer to perform services as a water well driller without first obtaining a certificate of registration in the manner prescribed herein and pursuant to the rules of Water Well Drillers Board.

(b) Applications shall contain the name of the applicant, his business address, his permanent mailing address, and such other relevant information as the Board may require.

(c) At the time of making application, each applicant shall pay to the Commission the required examination fee which shall be non-refundable; and the successful candidates upon notification of eligibility shall pay to the Commission the registration fee.

(d) All certificates of registration issued under this act shall expire on August 31 of each year; and on or before that day, each person holding a certificate of registration shall pay to the Commission the sum of \$25.00 as an annual renewal fee. Provided further, however, any driller who allows his license to lapse shall be given a one-year grace period in which to renew his certificate by paying the accrued renewal fee, without the need of taking the drillers examination.

(e) A certificate of registration shall not be transferable or assignable.

(f) A duplicate certificate of registration to replace a lost or destroyed certificate shall be issued by the Commission upon proper application and payment of a \$1.00 fee.

(g) Any water well driller in this State on the effective date of this act shall be entitled to a certificate of registration upon the filing of an application no later than August 31, 1966, and the payment of a \$25.00 registration or renewal fee.

(h) Each applicant shall have been a resident of the State of Texas for not less than 90 days prior to making application for registration as a water well driller.

Sec. 4. Reciprocity.

The Commission, upon application therefor and upon the payment of the proper registration fee, may issue a certificate of registration as a registered water well driller to any person who holds a certificate of qualification or registration issued to him by proper authority in any state or territory or possession of the United States, or of any other country, if the registration

standard under which said certificate was issued is of a standard not lower than that specified by the provisions of this Act, and the rules of the Water Well Drillers Board promulgated pursuant to the provisions hereof, and if that particular state, territory, or possession of the United States, or country extends similar privileges to the persons registered under the provisions of this Act; provided, however, that before such applicant may be registered, he must show compliance with the residency requirements of Section 3, subsection (h) hereof. The Board shall keep the Commission informed of what states, territories, possessions, and countries fulfill these reciprocal requirements.

Sec. 5. Reporting of Well Logs.

Every registered water well driller drilling, deepening or otherwise altering a water well within this State shall make and keep, or cause to be made and kept, a legible and accurate well log, and within sixty (60) days from the completion or cessation of drilling, deepening or otherwise altering such a water well, shall deliver or transmit by certified mail a copy of such well log to the Commission, and the owner thereof or the person having had such well drilled. The well log required herein shall at the request in writing to the Commission, by certified mail, by the owner or the person having such well drilled be held as confidential matter and not made of public record.

Sec. 6. Water Well Drillers Board.

The Water Well Drillers Board shall be composed of nine (9) members, three ex officio and six appointed as follows, to wit:

(a) One (1) member of the Board shall be the chairman of the Texas Water Commission or a representative from his staff appointed by him who shall be a nonvoting member and shall serve in an advisory capacity only. In the event that the functions of the Texas Water Commission are transferred to the Texas Water Development Board, then the member appointed hereby shall be the Executive Director of the Texas Water Development Board or a representative from his staff appointed by him.

(b) One (1) member shall be the Executive Secretary of the State Water Pollution Control Board or a representative from his staff appointed by him and shall also be a nonvoting member and shall serve in advisory capacity only.

(c) One (1) member shall be the chairman of the State Board of Health or a representative from his staff appointed by him and shall also be a nonvoting member and shall serve in an advisory capacity only.

(d) Six (6) members shall be water well drillers appointed by the Governor with the advice and consent of the Senate, under the following conditions, to wit:

(1) Each such driller shall be a citizen of the State of Texas.

(2) Each such driller shall have a minimum of ten years' experience in the water well drilling business prior to his appointment.

(3) Each such driller shall be conversant in water well drilling, completion and plugging methods and techniques.

(4) Each such driller shall be a registered water well driller.

(5) One driller shall be selected from the State at large and one of each such drillers shall be selected from the following geographic areas of the State of Texas:

- A. Gulf Coast Area.
- B. Trans-Pecos Area.
- C. Central Texas Area.
- D. North-East Texas Area.
- E. Panhandle-South Plains Area.

(e) It is further provided that no more than one (1) Board member may be employed by or own an interest in the same company, firm or business association which is engaged in any phase of the water well drilling business.

(f) The first six (6) Board members shall be appointed for the following terms: two (2) for two (2) years; two (2) for four (4) years; and two (2) for six (6) years.

(g) All terms shall expire on September 15 and all regular appointments shall be for terms of six (6) years.

(h) The initial appointments of the six (6) members shall be made immediately following the effective date of this Act.

(i) The six (6) appointed Board members shall receive compensation and travel allowance as the Legislature may provide in the General Appropriation Act.

(j) The Board shall hold a regular annual meeting; it may hold special meetings at the call of the chairman or at the request of three Board members.

(k) A majority of the Board is a quorum for conducting business.

(l) The Board shall elect a chairman, who shall be presiding officer, and who shall not vote except when there shall be a tie vote, by majority vote at the first regular meeting each year.

(m) The Board shall prepare and grade examinations and pass upon qualifications of applicants for licenses and cause to be issued licenses to those who qualify.

(n) The Board shall design written examinations in such a manner as to disqualify any person lacking in the necessary knowledge of drilling, completion and plugging methods and techniques and of ground water formations to the extent that the performance by such person of services as a water well driller would create a serious risk of polluting fresh water. Provided, however, that each applicant shall have the right to have such examination given him orally, in lieu of in writing.

(o) A person who passes the examination given by the Board is entitled to be licensed under this Act.

(p) Administration of examination:

(1) The Commission shall offer examinations prepared by the Board at least once a year and more frequently if more than 10 persons petition the Commission for an additional examination, or the Board should so provide.

(2) The examination shall be so administered so that the one who grades an examination does not know whose paper he is grading.

(3) The Commission shall maintain files of examination papers. A person, at any time within six months of the date that

he is notified of the results of an examination, is entitled to inspect his examination paper during normal business hours at the Commission's office for the purpose of challenging the propriety of the questions, the method of grading, and the accuracy of grading.

(4) All successful applicants who pass the examination may pay the \$25.00 registration fee to the Commission and obtain a drillers registration certificate.

(q) The person who fails an examination may apply for a subsequent examination, but must pay the application fee each time he applies. He may not, however, be counted among the ten (10) applicants necessary to petition for an additional examination.

Sec. 7. Rules and Regulations.

(a) The Water Well Drillers Board shall constitute an Examining Board which shall certify applicants eligible for registration to the Commission and, under certain conditions set out below, suspend or revoke the license of a registered water well driller. The Board shall promulgate and adopt procedural rules describing how a person applies for and takes an examination under this Act and the procedure to be followed in public hearings pursuant to the provisions of this Act. It shall also promulgate and adopt substantive rules defining standards of conduct governing registered water well drillers. The Board shall promulgate regulations necessary to implement the vehicle and equipment marking requirements of Section 14 of this Act. Be it further provided, however, that before the Board may adopt any substantive rule under this Act, it must mail a copy of the proposed rule or amendment together with an informative summary of the rule or amendment to

to each person licensed under this Act at least twenty (20) days prior to the proposed effective date of such a proposed rule. The procedural rules adopted by the Board shall be filed with the Secretary of State and shall become effective thirty (30) days thereafter.

(b) Full authority is given the Board to enforce by injunction or other appropriate remedy, in courts of competent jurisdiction, any and all reasonable rules, regulations, decisions, determinations and orders promulgated by it which do not conflict with any law. It shall be the duty of the Attorney General to represent the Board when requested to do so.

(c) All rules and regulations proposed to be adopted and promulgated by the Board shall be approved in writing by the Attorney General and placed on file in the office of the Secretary of State for public inspection for at least thirty (30) days prior to their effective date. Any changes, alterations or revocations of such rules and regulations shall be likewise approved in writing by the Attorney General and which changes, alterations or revocations shall be filed in the office of Secretary of State prior to their effective date.

Sec. 8. Revocation of Certificates of Registration.

(a) The certificate of registration of any registered water well driller who violates any provision of this Act or any substantive rule or regulation of the Board promulgated under the authority of this Act may be revoked or suspended by the Board. Grounds for revocation or suspension of a driller's certificate shall include intentional misstatement or misrepresentation of fact

on an application or well log; failure to keep and transmit water well logs as provided herein; failure to advise a person for whom a well is being drilled that injurious water has been encountered, is a pollution hazard, and must be forthwith plugged in an acceptable manner; or being found to be an incompetent water well driller.

(b) The Board shall, before suspending or revoking any certificate of registration, notify the holder in writing of any changes made in order to afford such holder an opportunity to be heard, which notification shall be given at least ten (10) days prior to the date set for hearing, and which shall prescribe the time and place of the hearing. Such written notice may be served by mailing same by registered mail to the last known business address of such person. At such hearing such person and all persons complaining against him, as well as any other witness whose testimony is relied upon to substantiate the charges made, shall be entitled to be present. He shall also be entitled to present evidence, oral and written as may be relevant to the inquiry. In such hearing all witnesses shall be duly sworn and a record of the proceedings shall be taken. Any party to the proceedings desiring it shall be furnished with a copy of the record upon the payment to the Board of a fee not to exceed fifty cents (50¢) per page.

(c) Every decision and order in a revocation or suspension hearing rendered by the Board shall be in writing and shall set forth briefly the findings of fact and Board's conclusions. Parties to the proceedings shall be notified of the decision or order in person or by mail and forwarded a copy of same; such orders or decisions shall be transmitted no later than thirty (30) days of conclusion of the hearing.

Sec. 9. Appeal.

In all appeals prosecuted in any of the courts of this State pursuant to the provisions of this Act, such trials shall be de novo as that term is used and understood in appeals from justice of the peace courts to county courts. When such an appeal is filed and the court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act. The Legislature hereby specifically declares that the provisions of this Section shall not be severable from the balance of this Act, and further specifically declares that this Act would not have been passed without the inclusion of this Section. If this Section, or any part thereof, is for any reason ever held by any court to be invalid, unconstitutional or inoperative in any way, such holding shall apply to this entire Act, and in such event this entire Act shall be null, void and of no force and effect. Venue of all appeals shall be in the county of the residence of the aggrieved person who files the appeal.

Sec. 10. Duties of the Commission.

(a) The Commission shall furnish the Board with necessary administrative services, including space for holding examinations; proctoring examinations; printing examinations; printing and mailing licenses; sending notices, before August 1 of each year that license must be renewed; collecting fees and issuing receipts; keeping a current register of licensees; employing secretarial assistance; replying to routine requests for information; printing forms and information; typing all letters to be reproduced; maintaining records and completed examinations; and keeping records of receipts and disbursements; providing necessary legal services; and providing necessary investigative services, and the Commission shall promulgate procedures and standards for plugging wells under Section 15 of this Act.

(b) The Board shall have access to information kept by the Commission under this Act.

(c) The Commission shall adopt the necessary procedural rules in order to carry out the imposed duties under this Section of this Act.

(d) Full authority is given the Commission to enforce by injunction or other appropriate remedy, in courts of competent jurisdiction, any and all rules, regulations, decisions, determinations and orders promulgated by it which do not conflict with any law.

Sec. 11. Exception of Drought Disaster Areas.

Upon petition of the commissioners court of any county the Governor may proclaim the county a drought disaster area. If the

Governor issues the proclamation that the county is a drought disaster area, the terms and provisions of this Act are suspended in such a county for the length of time specified in the proclamation, except insofar as said Act applies to the plugging of water wells.

Sec. 12. Disposition of Revenues.

All money collected by the Commission under the provisions of this Act shall be placed in the General Revenue Fund.

Sec. 13. Penal Provisions.

(a) Any person not holding a certificate of registration as a registered water well driller who drills, bores, cores or constructs any water well in this State for compensation shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than \$25.00 nor more than \$200.00 or to punishment by confinement in jail for a period of not to exceed 120 days or by both such fine and jail confinement for first conviction; and may be punished for each subsequent conviction by fine of not less than \$200.00 or more than \$1,000.00 or by confinement in jail for not less than 120 days or more than one year or both by such fine and jail confinement.

(b) Any person who is a registered water well driller under this Act who fails to mark his equipment as provided herein is guilty of a misdemeanor and may be fined not less than \$25.00 nor more than \$200.00.

(c) Any person who wilfully violates any of the duties imposed by Section 15 of this Act by failing to give timely notice to the landowner or person having a well drilled that a well must be plugged, or anyone who fails to plug such a well properly as

soon as is reasonably possible, or anyone who fails to submit the required plugging report to the Commission within thirty (30) days is guilty of a misdemeanor and may be fined not less than \$200.00 or more than \$500.00.

(d) Any violator of these provisions may be arrested by any sheriff, constable or other lawful peace officer of this State or any political subdivision thereof. Such violations shall be tried in the county court of the county in which such offense occurred.

Sec. 14. Marking of Vehicles and Equipment.

It is the duty of all registered water well drillers to see that all vehicles, trailers, and rigs used by them or their employees in the water well drilling business are marked with legible identification numbers at all times; the "identification number" to be used on vehicles and equipment shall be the "license number" which appears on the drillers registration certificate; the Board shall set out in detail in its rules the specific method and manner for marking said vehicles and equipment. The driller shall furnish a sworn statement that he has complied with this provision of the Act with his annual renewal fee each year. Any licensed driller has one hundred eighty (180) days to comply with the regulations provided in Section 14.

Sec. 15. Plugging of Wells.

(a) It shall be the duty of each driller registered under this Act to inform forthwith the landowner or person having a well drilled when water is injurious to vegetation, to land or to fresh water has been encountered and such well must be plugged in order to avoid injury or pollution.

(b) It shall be the duty of the landowner or person having a well drilled, upon being so informed, to see that such a well is forthwith plugged under standards set by the Texas Water Commission.

(c) It shall be the duty of whoever shall plug such a well to complete a plugging report within thirty (30) days and submit it to the Commission; appropriate forms shall be furnished by the Commission upon request.

Sec. 16. Bond Required.

After September 1, 1965, immediately upon approval of his application, the applicant shall be notified and before a registration certificate shall be issued, a bond executed by the applicant, as principal, and a surety company authorized to do business in this State as surety, shall be furnished the Commission in the principal sum of \$2,000.00 for the use and benefit of any injured party and conditioned that the applicant will pay any judgment recovered by any person in any suit for damages or injury caused by a violation of this Act. Every registered water well driller shall in like manner furnish and maintain such a bond on or before September 1, 1965, as a condition to the continued validity of his registration certificate.

Sec. 17. Construction.

Nothing in this Act shall be construed as affecting the ownership, or the rights of owners of the land, in underground water.

Sec. 18. Severability Clause.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall

not affect other provisions or applications of the Act which can be given effect without defeating the purpose or objective of the provision, and to this end, the provisions of this Act are declared to be severable.

Sec. 19. Repealer Clause.

Chapter 458, Acts of the 57th Legislature, Regular Session, 1961 (Article 7621c, Vernon's Texas Civil Statutes), is repealed; otherwise, this Act shall be cumulative of all laws or parts of laws relating to this subject.

Sec. 20. Transfer of Functions.

In the event that the functions of the Texas Water Commission necessary to the proper implementation of its duties under this Act are transferred to the Texas Water Development Board or any other agency, the authority given herein to the Texas Water Commission shall be transferred to the Texas Water Development Board or such other agency.

Sec. 21. Emergency Clause.

The importance of this legislation and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

Lieutenant Governor
President of the Senate

Speaker of the House

H. B. No. 77

I hereby certify that H. B. No. 77 was passed by the House on March 18, 1965, by the following vote: Yeas 97, Nays 36; and that the House concurred in Senate amendments to H. B. No. 77 on May 11, 1965, by a non-record vote.

Chief Clerk of the House

I hereby certify that H. B. No. 77 was passed by the Senate, as amended, on May 5, 1965, by a viva voce vote.

Secretary of the Senate

APPROVED:

5-27-65

Date

Governor

4:45 PM

Conrad E. Martin

A BILL
TO BE ENTITLED

AN ACT relating to regulating the business conduct of persons drilling water wells; placing the duty and expense of plugging water wells on the owner of the well or on the person having the well drilled; repealing Chapter 458, Acts of the 57th Legislature, Regular Session, 1961; and declaring an emergency.

FILED JAN 19 1965

MAR 2 1965
READ 1ST TIME
AND REFERRED TO COMMITTEE ON
Conservation & Reclamation

~~MAR 1 1965~~ REPORTED FAVORABLY AS AMENDED
MAR 2 1965 Sent to Printer
MAR 2 1965 RETURNED FROM PRINTER. SENT TO SPEAKER

Caption amended to conform to body of bill under authority of Rule IV, Sec. 5, Rules of the House of Representatives.

Mar. 17/65
(Date)

Orea Guffin
(Engrossing and Enrolling Clerk)

APPROVED:
Bill Clayton
(Author)

MAR 4 1965

Postponed to 3-11-65,
at 11:30 a.m.

Dorothy Hallman
Chief Clerk, House of Representatives

MAR 17 1965

MOTION TO RECONSIDER THE VOTE BY WHICH AD 77 was negotiated WAS ADOPTED ~~AND~~ TO RECONSIDER THE MOTION TO RECONSIDER PREVAILED PASSED BY A non-record VOTE OF

AYES 11 NAYES 0
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

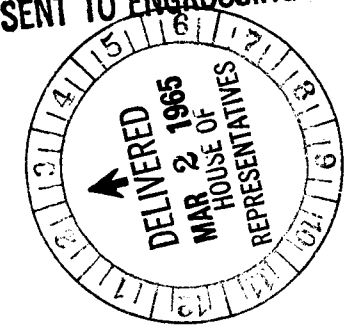
MAR 11 1965

Postponed to 3-17-65,
at 11:00 a.m.

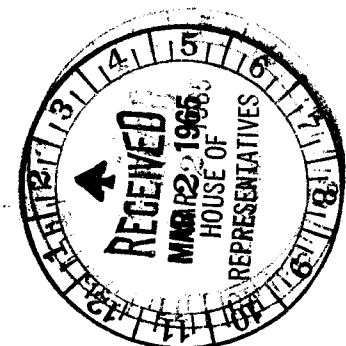
Dorothy Hallman
Chief Clerk, House of Representatives

MAR 17 1965

SENT TO ENGROSSING CLERK.



P.M.



MAR 17 1965

READ SECOND
TIME Amended AND
ORDERED non-record vote ENGROSSED by

Dorothy Hallman
Chief Clerk, House of Representatives

ENROLLED 5-11-65
En. Clerk

By: Clayton, Thompson

H. B. No. 77

A BILL TO BE ENTITLED

AN ACT

designed to aid in the prevention of pollution of the State's underground water by providing minimum water well driller qualifications and standards of conduct to be administered by the herein created Texas Water Well Drillers Board; Board rules, examinations, and hearings; duties of Texas Water Commission hereunder, penal provisions for violation and provisions for enforcement, jurisdiction, and venue; repealing Chapter 458, Acts of the 57th Legislature, Regular Session, 1961; and declaring an emergency.

- 1-19-65 Filed.
- 2- 2-65 Read first time and referred to Committee on Conservation and Reclamation.
- 3- 2-65 Reported favorably as amended, sent to printer.
- 3- 2-65 Returned from printer, sent to Speaker.
- 3- 4-65 Postponed to 3-11-65 at 11:30 a.m.
- 3-11-65 Postponed to 3-17-65 at 11:00 a.m.
- 3-17-65 Read second time, amended and ordered engrossed by a non-record vote.

Dorothy Hallman
Chief Clerk, H. of R.

3-17-65 Sent to Engrossing Clerk.

3-17-65 Engrossed.

MAR 18 1965

IN THE SENATE

Received from
the House.

Arna Suppiger
Engrossing Clerk, H. of R.

MAR 18 1965

RETURNED FROM ENGROSSING

R.M.

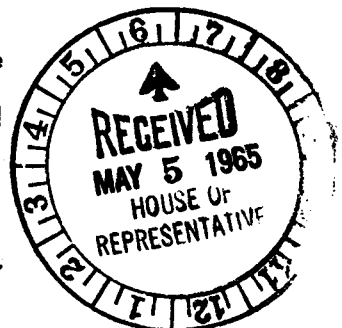
MAR 18 1965

Read third time
and Passed

by following vote yeas 97

Nays 36

Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES



MAR 22 1965

Read first time
and referred to Committee
on Agriculture and Livestock

MAR 30 1965

Reported Favorably.

MAY 5 - 1965

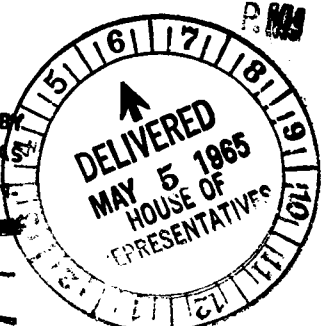
Regular order of business
suspended by vote of

27 yeas, 3 nays
to permit consideration.

MAR 18 1965

MOTION TO RECONSIDER THE VOTE BY WHICH H.B. # 77 WAS
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECONSIDER PREVAILED PASSED BY A Non-record VOTE

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES



MAR 18 1965

SENT TO THE SENATE

MAY 5 - 1965

READ SECOND TIME, amended MAY 5 1965 RETURNED FROM PRINTER. SENT TO SPEAKER
AND PASSED TO THIRD READING

MAY 5 - 1965

Amend caption to conform to body
of bill.

MAY 5 - 1965

Senate Rule 32 and
Constitutional Rule (Sec. 32, Art. III)
suspended by a vote of 24 yeas,
5 nays, to place bill on third
reading and final passage.

MAY 5 - 1965

READ THIRD TIME AND

PASSED BY A VIVA-VOCE VOTE.

Charles Schnabel
Secretary of the Senate.

MAY 5 1965

SENT TO HOUSE

MAY 5 1965

RETURNED FROM SENATE

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 5 1965

SENT TO PRINTER

MAY 11 1965

The House has concurred in Senate amendments
to House Bill No. 77 by vote of non-record
yeas.

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 11 1965

MOTION TO RECONSIDER THE VOTE BY
WHICH House Concurred WAS
ADOPTED / ~~PASSED~~ AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED ~~PASSED~~ BY A non-record VOTE OF
YEAS AND NAYES

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 11 1965

SENT TO ENROLLING CLERK